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**TOWN BOARD
TOWN OF SOUTHEAST**

RULES OF PROCEDURE

RESOLUTION NO. _____

DATE: February 19, 2009

INTRODUCED BY: Honerk

SECONDED BY: Johnson

WHEREAS, it is the sense of this Town Board that the orderly and effective conduct of public meetings and the open, orderly and transparent transaction of the people's business is reliant upon the adoption of formal rules of procedure and order for all work sessions, regular and special meetings of the Town Board.

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board hereby adopts rules of order and procedure for the conduct of Town Board meetings as follows:

1. **DEFINITIONS.**

A. "Regular Meeting or Special Meeting" - A gathering of a quorum of the Southeast Town Board at which time motions, proposals, resolutions, and any other matter may be formally voted upon and a vote taken thereon.

B. "Work Session" or "workshop" - A gathering of a quorum of the Southeast Town Board at which time matters will be discussed but no vote taken on such matters.

2. **WORK SESSIONS.** Work sessions of the Town Board shall be held on the first and second Thursdays of each month, except when such evening is an official Town Holiday or such other day as designated by a majority of the Town Board at a preceding Regular or Special Meeting duly called for the purpose of setting meeting dates. Work sessions shall be informal and shall commence at 7:30 PM. There shall be a written agenda of each work session, but no minutes of such meeting shall be kept.

3. **REGULAR MEETINGS.** A. Regular Meetings of the Town Board shall be held on the third Thursday of each month, except when such evening is an official Town Holiday in which case the Regular Meeting shall be held on such other evening(s) as designated by a majority of the Town Board at a preceding Regular or Special Meeting duly called for the purpose of setting meeting dates.

B. Each Regular Meeting and all adjourned meetings shall be open for consideration of any matter which, in accordance with these rules, may be properly brought to the attention of the Town Board.

C. The Southeast Town Board shall conduct its Regular monthly meeting at 7:30 PM and the Board shall consider any and all scheduled items on its agenda, unless a majority of the Board votes otherwise. Any unfinished items shall be carried over to the next meeting.

4. **SPECIAL MEETINGS.** Special Meetings may be called for business of a truly urgent nature and shall be held at the call of the Town Clerk upon the direction of the Supervisor or upon filing with the Town Clerk a written request by any two members of the Town Board. Only business specified in the public notice thereof may be transacted at a Special Meeting. Notice of such Special Meeting shall be given as soon as practicable after such meeting is scheduled but in no event less than 24 hours prior to the commencement thereof.

5. **CONDUCT OF MEETINGS.** A. All regular and special meetings and all work sessions of the Town Board shall be held in the John J. Dunford Civic Center, 1360 Route 22, Brewster, NY, or at such other place within the Town as may be specified in the notice thereof. All meetings shall be conducted in accordance with the New York State Open Meetings Law. Formal minutes, however, shall only be kept for Regular or Special Meetings of the Town Board.

B. **ORDER OF BUSINESS** – The Order of Business of each Regular meeting shall be:

1. Call to Order / Notation of Exits
2. Pledge of Allegiance
3. Call for the Order of the Day
4. Roll Call
5. Description of Town Board Decision Making Process
6. Public Hearings
7. Discussion / Approval of Minutes
8. Correspondence / Communications
9. Memorials and Proclamations
10. Approval of Voucher Abstract
11. Budget Transfers
12. Reports of Boards and Committees
13. Reports of Department Heads
14. Action Items:
 - a. Motion to etc.
 - b. Resolution to etc.
15. Unfinished Business (actual agenda items to be spelled out)

16. New Business
17. Public Comment Period
18. Adjournment.

C. The Town Board, in its discretion, may change the Order of Business at any meeting by a vote of the majority present and voting at such meeting.

6. **AGENDA PROCEDURES.**

A. **PUBLIC HEARINGS.** Public Hearings will be scheduled on the agenda and noticed at staggered intervals in the order set by the Town Board at a preceding Regular Meeting or Special Meeting called for the purpose of setting such public hearing.

B. **WORK SESSION AGENDA.** Every item to be discussed at a particular Work Session shall be submitted by members of the Town Board to the Town Clerk by 4:30 PM Monday for that week's Work Session. Such submission may be made either in writing or by electronic transmission (fax or email) at the telephone number or address designated by the Town Clerk for such purpose. Items may be added to a Work Session agenda after the deadline for submission by approval of a majority of the Town Board.

C. **REGULAR MEETING AGENDA.** Every item to be considered under "New Business" or "Unfinished Business" shall be submitted by the members of the Town Board by 4:30 PM Monday prior to the scheduled Regular Meeting. Such submissions may be made either in writing or by electronic transmission (fax or email) at the telephone number or address designated by the Town Clerk for such purpose. To the extent that any action item requires the preparation of a formal resolution by the Town Attorney's office, a request for such formal resolution shall be made to the Town Attorney's office by no later than Noon on Friday prior to the scheduled Regular Meeting and such drafts of such resolutions shall be provided to Town Board members by Noon of the Tuesday prior to the scheduled Regular Meeting..

D. **POSTING AGENDA.** The Town Clerk shall prepare and use best efforts to post the agenda, no later than 5:00 PM on Tuesday prior to the scheduled Regular Meeting. Posting shall be deemed sufficient if placed on the Official Sign Board outside the Town Clerk's office. Effort should be made to post the agenda on the website for the Town of Southeast no later than Noon on Wednesday prior to the scheduled Meeting or Work Session.

E. **YEAR END REMOVAL OF PENDING ITEMS.** Any proposed local law, resolution or other item other than land use applications still pending on the agenda of the Town Board that was first introduced, submitted or filed in any calendar year is automatically removed there from as of and effective December 31 of that same calendar year.

F. **CONSENT FOR UNLISTED ITEMS.** No local law, ordinance, petition, resolution, communication or item can be acted upon unless it physically appears on the agenda, and this includes committee reports, unless there is the consent of the majority of the Town Board. However, nothing in this rule will prevent a member of the Town Board from making announcement or reports during committee reports.

G. **PREPARATION OF MEETING FOLDERS.** The Supervisor's confidential secretary shall use best efforts to prepare meeting folders for each Work Session, Regular and Special Meeting which shall contain copies of all available documentation, draft resolutions, communications or other materials in the Supervisor's possession associated with particular agenda items and shall lay such folders on the desks of Town Board members prior to the meeting.

7. **MEETING PROCEDURES.**

A. **QUORUM.** The majority of the duly constituted membership of the Town Board shall constitute a quorum for the transaction of business, but a lesser number may adjourn.

B. **SUPERVISOR TO SECURE A QUORUM.** In the absence of a quorum during the meetings of the Town Board, the Supervisor may take such measures as provided by law and as he or she may deem necessary to secure the presence of a quorum.

C. **ROLL CALL; RECORDING OF ABSENCES.** At every Regular and Special Meeting of the Town Board, the Supervisor (or if the Supervisor be absent, the most senior Town Board Member present or the person designated by a majority vote) shall call the meeting to order. The roll of members shall be called by the Town Clerk, and the names of those absent shall be inserted in the Minutes of the meeting.

D. **MINUTES.** (1) Minutes of all Regular and Special Meetings of the Town Board shall be taken by the Town Clerk in accordance with New York State Town Law and the New York State Public Officers Law. Minutes shall consist of a record or summary of all motions, proposals, resolutions, and any other matter formally voted upon and shall include the vote thereon. Minutes shall be taken at any executive session of any action that is taken by formal vote which shall consist of a record or summary of the final determination of such action, and the date and vote thereon; provided, however, that such summary need not include any matter which is not required to be made public by the New York State Freedom of Information Law.

2. Content. Minutes shall include the following:

- Name of the Board
- Date, place, and time of the meeting
- Notation of presence or absence of Board members and time of arrival or departure if different from the time of call to order and adjournment
- Name and title of other Town officials and employees present and approximate number of attendees
- Record of communications presented to the Board
- Record of reports made by Board members, other Boards, Departments or Committees
- Name, Town/Village and State of persons who commented during public comment period

- Time of adjournment
- Signature of Town Clerk or person designated by Town Clerk to keep minutes if not the Town Clerk

3. Minutes may contain a summary of discussions as determined appropriate by the Town Clerk or her representative but shall not contain verbatim comments unless a majority of the Board shall resolve to have the Town Clerk do so in each instance.

4. Minutes shall be made available to the public not more than two (2) weeks from the date of the meeting. Minutes kept in executive session shall be made available to the public not more than one (1) week from the date of executive session. Such minutes shall be marked "DRAFT" until such time as they are subsequently approved by a majority vote of the Town Board.

5. The Town Clerk shall submit the draft minutes of a Regular or Special Meeting or of an Executive Session at which minutes were taken to members of the Town Board no less than one week prior to the Regular Meeting at which they are to be discussed and/or approved. Delivery shall be sufficient if the Town Clerk deposits a hard copy in the Board member's mail box in the Town offices or transmits an electronic copy to the Board member at the email address designated by each for such purpose by the Friday prior to the Regular Meeting that they are scheduled to be discussed.

6. Minutes shall be approved at the next regular meeting of the Board. Any amendments shall require approval of a majority of the Board. If the Board fails to approve the minutes at the next Regular Meeting and such draft minutes were submitted by the Town Clerk for review in a timely manner, the minutes shall be deemed approved.

7. No minutes of Town Board meetings shall be posted on the Town Web Site until the procedures for approval thereof as set forth above shall be fulfilled.

E. DECORUM.

1. The Supervisor shall convene the Town Board promptly at the hour specified for the convening of the Town Board, and shall preserve order and decorum. The Supervisor shall recognize council members for the purpose of debate on any question under consideration, in the order in which the members have requested recognition. The Supervisor shall decide all questions of order, which decision shall be final, unless an appeal is taken to the Town Board and sustained.

2. Speakers from the audience shall address the Town Board as a whole, in an orderly manner. All speakers, including the Supervisor and members of the Town Board shall refrain from partisan political commentary, personal, impertinent, slanderous or profane remarks directed at any member of the Board, staff or general public that disrupt the meeting. Any person who makes such remarks or otherwise disrupts the meeting with loud outbursts, shouting, threats or other disruptive conduct or behavior shall, at the direction of the Supervisor or after a motion and majority consensus of the Board, be ruled out of order. If, after receiving a warning, any person persists in disrupting the meeting, the Supervisor or the Town Board Majority shall order that person to leave and may utilize law enforcement to enforce such order if necessary.

3. The Town Attorney shall act as the Parliamentarian to assist with procedural questions, upon the request by any member of the Town Board.

4. Commentary, debates and arguments initiated by Town Board members during public hearings or during Public Comment portions of the Agenda are prohibited. Town Board members who expand their comments in Public Hearings portion of the Agenda beyond the simple statement of questions, shall be ruled out of order by the Supervisor.

F. APPEAL FROM THE SUPERVISOR'S RULING.

1. On every appeal, the Supervisor shall have the right to assign the reasons for his or her decision. If the question on which the appeal is taken was not debatable, the Town Board shall decide the case without debate. If the question was debatable, no member shall speak more than once concerning an appeal for the Supervisor's ruling. The Supervisor shall put the question: "Shall the ruling of the Supervisor be overturned?"

2. A motion to overrule a ruling or decision of the Supervisor shall require approval by a majority vote of the Town Board.

G. MAJORITY VOTE. A majority of the total vote of the entire membership of the Town Board shall be necessary to carry any local law, ordinance, question, proposition, resolution, motion, or any other matter, except where it is otherwise provided herein or required by general law that a two-thirds vote or a unanimous vote is required.

H. RECORDING AYES AND NAYS. On a roll call, the ayes and nays shall be entered in the minutes of the Town Board, and the Town Clerk shall record the names of the members and the way each will have respectively voted. Each member, as his or her name is called, shall respond affirmatively or in the negative, as the case may be. At the conclusion of the call of the roll, the Town Clerk shall announce the vote thereon and whether the measure was passed or defeated. To verify the vote and to correct possible errors, the Town Clerk may repeat the call of the roll. The only exception to this procedure is if the member abstains from voting in accordance with Rule I "Abstentions".

I. WITHDRAWAL OF RESOLUTION OR MOTION. Any resolution or motion offered by a member of the Southeast Town Board may be withdrawn by the member presenting it at any time before an announcement by the Town Clerk of the vote thereon, or before an amendment to such resolution or motion has been adopted, provided that the member seconding such resolution or motion shall also withdraw his or her second to the same.

J. MOTIONS NOT AMENDABLE OR DEBATABLE.

1. All motions for an adjournment, for a recess, for the previous question, or to lay on the table shall be neither amended nor debated.

2. After the roll call on any question has begun, no member shall speak on the question nor shall any motion be made until after the results are declared.

3. While the Supervisor is stating any question, or while the roll is being called, no debate or discussion shall be in order. Any member desiring to explain his vote must do so before the start of the roll call, provided that, before the roll call begins, all

members of the Southeast Town Board shall have a right to avail themselves of the provisions of Rule 7 L (Previous Question).

K. PREVIOUS QUESTION – MOTION TO END DEBATE. The call for the previous question after reasonable debate shall be as follows: “I move to call the previous question.” Such motion may be made by any member without recognition from the Chair. Until it is decided, all amendments and debate are suspended. When the Town Board shall order the previous question called and amendments are pending, the question shall first be taken upon the amendment(s), and then upon the main question without further debate.

L. MOTION TO END MEETING. A motion to end or adjourn the meeting may be made by any Member at any time during the conduct of such meeting without recognition from the Chair. Such a motion is not subject to amendment and until such motion is decided, all debate is suspended. In the event such motion carries by a majority vote of members present and voting, the meeting shall stand adjourned until the next Regular or Special Meeting.

M. MOTION TO RESCIND. A motion to rescind can only be entertained when moved by a Board Member who voted with the majority in the action which is proposed to be rescinded, and requires the affirmative vote of a majority of the total members of the Town Board.

N. MOTIONS FOR RECONSIDERATION AND CHANGING ONE’S VOTE.

1. A motion for reconsideration or a motion to change one’s vote shall not be in order unless made on the same meeting day.

2. A motion to reconsider must be made by a Board Member who voted with the prevailing side on the action proposed to be reconsidered. A member has the right to change his or her vote up to the time the result is announced. Afterward, a change in vote can only be made by permission of the Town Board. Such permission can be given by general consent, or by adoption of a motion to grant permission.

3. When a motion to reconsider or a motion to change one’s vote has been defeated, it shall not be submitted to the Town Board without unanimous consent for a period of at least thirty (30) days.

O. RESOLUTION AMENDMENTS. The Town Board shall not vote on any proposal or resolution unless each Town Board member and the Town Clerk have possession of the proposal or resolution in writing prior to the commencement of the meeting. Any amendment during a meeting must be presented to the Town Clerk and the Town Board in writing by the sponsor of the amendment.

P. SECOND REQUIRED FOR DISCUSSION. At any Work Session, Regular or Special Meeting, the Town Board shall not discuss any agenda item that does not receive a second.

Q. PUBLIC HEARINGS. The Town Board may vote on any public hearing matter for which all speakers have been accommodated. All other hearing decisions shall be delayed until the next Regular Meeting of the Board to afford sufficient time to allow public comment to be submitted and evaluated.

RUTH ARGO MAZZEI, Town Clerk